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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/723,202	11/26/2003	Richard Rohmer	905P157	9050

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EXAMINER

PATEL, DHIRUBHAI R

ART UNIT	PAPER NUMBER
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2831

DATE MAILED: 12/16/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/723,202

Applicant(s)

ROHMER, RICHARD

Examiner

DHIRU R PATEL

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 26 November 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-44 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 29-41 is/are allowed.
- 6) ☒ Claim(s) 1-28 and 42-44 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☒ Other: Sketch A

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DETAILED ACTION

Drawings

1. The drawings are objected to because figs 2 and 6 disclosed in the specification on page 9 and 10 respectively are not shown on the drawings. Correction is required.

Claim Objections

2. Claims 19 and 22 are objected to because of the following informalities:

In claim 19 line 2, "Mpsi" should be spelled out completely.

In claim 22 line 1, " N sets" what is N sets?.

3. Claims 42-44 are objected to under 37 CFR 1.75(c) as being in improper form because a multiple dependent claim. See MPEP § 608.01(n). Accordingly, the claims 42-22 not been further treated on the merits.

Specification

4. The disclosure is objected to because of the following informalities:

On page 1 "NEMA and TV" should be spelled out completely.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless -

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(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

5. Claims 1- 9, 15, 17 , 20-28 are rejected under 35 U.S.C. § 102(b) as being anticipated by Takagi et al (5,041,698).

Takagi et al disclose:

Regarding claim 1, a subplate component of a screwless faceplate assembly (see fig 10), consisting of a single monolithic subplate component in the form of a frame 10b (see fig 10) having an outer perimeter defined by opposing outer horizontal surfaces and opposing outer vertical surfaces (see sketch A) including an integral attachment structure 11B (see sketch A), and an inner perimeter defined by smooth and continuous inner horizontal and vertical edges (see sketch A), said inner perimeter defining an uninterrupted subplate opening (see fig 10) and capable for accommodating an gang device body 21B (see fig 10, column 4 lines 50-55) .

Regarding claims 2 and 20, wherein the attachment structure is a lip integrated into at least a portion of an outer perimeter surface (see sketch A).

Regarding claim 3, wherein the lip is integrated only in a vertical perimeter surface (see sketch A).

Regarding claim 4, wherein the lip is integrated in at least a vertical perimeter surface and a horizontal perimeter surface (see sketch A).

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Regarding claim 5, wherein the subplate opening is sized to accommodate a single-gang device (see fig 10).

Regarding claim 6, wherein the subplate opening is sized to accommodate a double-gang device (see fig 10).

Regarding claim 7, wherein the subplate opening is sized to accommodate a three-gang device (see fig 10).

Regarding claims 8-9 and 23, it is noted that the assembly of Takagi et al meet the structural limitations. Please note that Takagi disclosed that in the modification of figs 9-10, separate center openings 21A and 22 B may be utilized to receive electrical wiring devices such as small pushbuttons, switches and on/off buttons (see column 5 lines 20-25).

Regarding claim 15, wherein the subplate comprises a gusset rib 14B located intermediate the inner and outer perimeters (see sketch A).

Regarding claim 17, wherein the gusset rib is continuous (see sketch A).

Regarding claim 21, the subplate includes at least one set of vertically aligned posts 12B (see fig 10) for locating a device with respect to the subplate.

Regarding claim 22, N sets of separately vertically aligned posts 12B (see fig 10).

Regarding claims 24-25, it is noted that the assembly of Takagi et al meet the structural limitations, see sketch A.

Regarding claims 26 and 28, see fig 10 it is noted that the assembly of Takagi et al meet the structural limitations, see sketch A.

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Regarding claim 27, it is noted that the assembly of Takagi meet the structural limitations and capable of functioning as claimed by the inventor.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103 (a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(f) or (g) prior art under 35 U.S.C. 103(a).

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6. Claims 10-14, 16, 18 -19 are rejected under 35 U.S.C. § 103 (a) as being unpatentable over Takagi et al (5,041,698).

Takagi et al disclose:

Regarding claims 10-14, the assembly of Takagi shoes all of the claimed invention as shown above, including height and width, but fails to the outer horizontal edges have a separation distance of about 4.55 inches (for claim 10), the outer horizontal edges have a separation distance of about 4.55 inches and the outer vertical edges have a separation distance of about 2.85 inches (for claim 11), the outer horizontal edges have a separation distance of about 4.55 inches and the outer vertical edges have a separation distance of about 4.66 inches (for claim 12) the outer horizontal edges have a separation distance of about 4.55 inches and the outer vertical edges have a separation distance of about 6.47 inches (for claim 13), and the outer horizontal edges have a separation distance of about 4.55 inches and the outer vertical edges have a separation distance of about 8.29 inches (for claim 14).

it would have been an obvious matter of design choice to use a separation distance (the outer horizontal edges and the outer vertical edges) as claimed by the inventor for claims 10-14, since applicant has not disclosed that a separation distance (the outer horizontal edges and the outer vertical edges) solves any stated problem or is for any particular purpose and it appears that the invention would perform equally well with if designed with the outer horizontal edges and the outer vertical edges of Takagi et al.

Regarding claim 16, the assembly of Takagi shoes all of the claimed invention as shown above, but fails to disclose said gusset rib being segmented. It would have been an obvious

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matter of design choice to use said gusset rib being segmented , since applicant has not disclosed that said gusset rib being segmented solves any stated problem or is for any particular purpose and it appears that the invention would perform equally well with if designed with said said gusset rib being segmented of Takagi et al.

Regarding claim 18, the assembly of Takagi shoes all of the claimed invention as shown above, but fails to disclose the subplate is a metallized material. It would have been obvious to one having ordinary skill in the art at the time the invention was made to provide the assembly of Takagi with the subplate being made from a metallized material, since it has been held to be within the general skill of a worker in the art to select a known material on the basis of its suitability for the intended use as a matter of obvious design choice. In re Leshin, 125 USPQ 416.

Regarding claim 19, the assembly of Takagi shoes all of the claimed invention as shown above, but fails to disclose the subplate component is made of a material having a Young's Modulus in a range between about 6Mpsi to 42Mpsi. It would have been obvious to one having ordinary skill in the art at the time the invention was made to provide the assembly of Takagi with the subplate component is made of a material having a Young's Modulus in a range between about 6Mpsi to 42Mpsi, since it has been held to be within the general skill of a worker in the art to select a known material on the basis of its suitability for the intended use as a matter of obvious design choice. In re Leshin, 125 USPQ 416.

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Allowable Subject Matter

7. Claims 29-41 are allowed.

The following is a statement of reasons for the indication of allowable subject matter:

The primary reasons for the indication of the allowability of claims 29-41 are the inclusion therein, in combination as currently claimed, of the limitation of an attachment surface disposed along at least two opposing perimeter surfaces, comprising an attachment structure disposed along at least a portion of the attachment surface(for claims 29-40),and the subplate component and the faceplate component have respective integral, complimentary, reversible co engagement means only located adjacent outer perimeter surfaces thereof (for claim 41)

The previously listed limitation is neither disclosed nor taught by the prior art of record, alone or in combination.

Other prior art cited

8. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Shaffer, Conner, and Jacoby disclose a subplate similar to applicant's claimed invention.

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Contact information

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Dhiru Patel whose telephone number is 571-272-1983. The examiner can normally be reached on Mon-Fri.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Dean Reichard can be reached on 571-272-2800 ext 31. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only.

For more information about the PAIR system, see <http://pairedirect.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll free).

Dhiru Patel
Primary Examiner
Group Art Unit 2831
December 12, 2004


DHIRU R. PATEL
PRIMARY EXAMINER
12/14/04